



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20530-0001

Telephone: (202) 514-3642

Emma Best
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74138-10930315@requests.muckrock.com

Re: Appeal No. DOJ-AP-2019-005409
MWH:JKD

VIA: Email

Dear Emma Best:

You appealed from the action of the Federal Bureau of Prisons (BOP) on your Freedom of Information Act request for access to documents regarding instances of unauthorized disclosures of information (leaks) for investigation and/or prosecution between January 20, 1981 or the date of BOP's creation, and the present. I note that your appeal concerns BOP's denial of your request.

After carefully considering your appeal, I am affirming, on modified grounds, BOP's action on your request. A proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. § 16.3(b)(2018). Your request for records related to the above-described subject would require BOP to conduct an unreasonably burdensome search. Your request is not reasonably described because you did not characterize the records sought in such a way that they could be located without searching thousands of BOP custodians, located within over 120 institutions, for a time span of over eighty years, and you did not describe a particular topic other than "instances of unauthorized disclosures of information." Without greater specificity, BOP cannot locate, with a reasonable amount of effort, the records you are seeking. Courts have consistently held that the FOIA does not require agencies to conduct "unreasonably burdensome" searches for records. See, e.g., Nation Magazine v. U.S. Customs Serv., 71 F.3d 885, 892 (D.C. Cir. 1995). If you would like to narrow the scope of your request, please contact BOP directly.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of BOP in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

8/15/2019

X 

Matthew Hurd, Associate Chief, for
Sean O'Neill, Chief, Administrative Appeals Staff
Signed by: MATTHEW HURD